

MEMO ENDORSED**KURZ & FORTAS, LLC****ATTORNEYS FOR CONSUMERS****TOLL FREE 866-971-7208****TOLL FREE 866-971-7209 FACSIMILE****KFLAW.ATTORNEYSFORCONSUMERS.COM****CORPORATE OFFICE****(DIRECT ALL CORRESPONDENCE TO THIS ADDRESS)****1932 N. DRUID HILLS ROAD****SUITE 200****ATLANTA, GA 30318****LOCAL 404 858 3888****EXTENSION: 412****E-MAIL: DKURZ@KURZANDFORTAS.COM****DOC SDNY****DOCUMENT****ELECTRONICALLY FILED****DOC #:****DATE FILED: 8/20/09**

The Honorable Richard M. Berman

United States District Court

Southern District of New York

500 Pearl Street, Courtroom 21B

New York, NY 10007

Re: Carol Dobson v. Eltman, Eltman, & Cooper, PC
 Case No. 09-CV-5588 (RMB)

NEW YORK OFFICE**80 BROAD STREET****5TH FLOOR****NEW YORK, NY 10004****WRITER LICENSED IN:****NEW YORK, NEW JERSEY,****TEXAS, AND GEORGIA**

August 14, 2009

Status conference scheduled
For 9/15/09 at 9am.

SO ORDERED:**Date: 8/20/09****Richard M. Berman****Richard M. Berman, U.S.D.J.**

Honorable Judge Berman:

Pursuant to a discussion with your law clerk earlier this week, please accept this letter as our formal request that Your Honor's July 28, 2009 Order of Dismissal be vacated and that this matter be placed back on the pretrial calendar pending confirmed service of process on the Defendant. In consideration of this request, I note that on July 9, 2009, our office requested that the July 28, 2009 pretrial conference be adjourned pending confirmed personal service upon the Defendant and we were informed that the same request would be granted upon our office mailing a written request to that effect, which we did. (See attached July 9, 2009 correspondence) To that end, we would again appreciate any accommodations Your Honor could make in this regard, as we respectfully submit that we inadvertently diaried this matter in our firm's calendar as being adjourned until further notice from the Court, without a formal confirmation of same.

At this time, we are still in the process of having the Defendant served, but cannot do so without the previous Order of dismissal being vacated or our firm having to re-file with the Clerk's Office. Therefore, given the interests of judicial economy and the inadvertence of our office regarding scheduling, we would respectfully request for this one time accommodation of this matter being reset at a time and date convenient for the Court. As soon as we have some type of confirmation with respect to the Court's position regarding this request, we will take appropriate efforts to get the Defendant's registered agent served as soon as possible and to have any scheduling issues worked out with opposing counsel prior to the hearing.

ALABAMA * GEORGIA * IDAHO * MONTANA * NEW YORK * TENNESSEE

If his Honor would entertain rescheduling the conference for sixty (60) days from the original date of the conference, I feel confident that service will be perfected and the parties will be able to meet on the above referenced items and be prepared to attend said conference.

I thank this Honorable Court for the time and consideration of this matter and look forward to receipt of your decision.

Best regards,

A handwritten signature in black ink, appearing to read "Dennis Kurz", with a stylized flourish at the end.

Dennis Kurz
Attorney at Law

DRK/dao